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PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Tomihisa OHTA et al.

Group Art Unit: 1756

Application No.: 10/082,251

Examiner: E. Huang

Filed: February 26, 2002

Docket No.: 112053

For: BIARYL-TYPE COMPOUNDS, CD COLOR FIXING AGENT AND METHOD FOR DETERMINATION OF ABSOLUTE CONFIGURATION

RESPONSE TO RESTRICTION REQUIREMENT

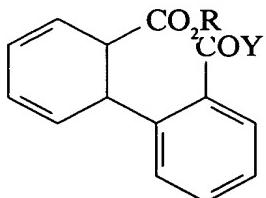
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the April 11, 2003 Restriction Requirement, Applicants provisionally elect Group I, claims 1-5 in part, with traverse.

The Office Action asserts that Groups I-VII are distinct because the inventions are chemically and structurally distinct, they do not have a common core structure and have acquired a separate status in the art.

Contrary to the assertion in the Office Action, the compounds of Groups I-VII are directed to structurally similar compounds. In particular, each of the compounds encompassed by Groups I, II, IV and VI, and the compounds of formula (IV) in Group III share a common core chemical structure of the following formula:



Clearly, as between each of Groups I, II, IV and VI, and the compounds of formula (IV) in Group III, the compounds all possess a common core structure.

The fact that the various compounds of Groups I-VII may be different does not in and of itself establish that the compounds are so dissimilar as to raise to the level of distinctiveness. Likewise, the mere fact that the compounds are classified separately, and may require additional searching, does not establish that the search would not be co-extensive and would be burdensome.

It is respectfully submitted that the subject matter of all claims 1-5 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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JAO:HJV/tea

Date: July 11, 2003

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